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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

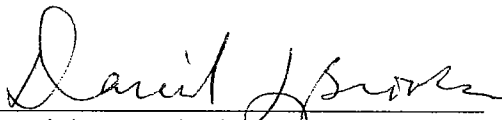
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DR. MAC TRUONG, :  
 :  
 Plaintiff, : 07 Civ. 8085 (SHS)  
 :  
 -against- : **NOTICE OF MOTION**  
 :  
 CHARLES SCHWAB & CO., INC., :  
 :  
 Defendant. :  
-----X

PLEASE TAKE NOTICE that the undersigned will move this Court in Courtroom 23A of the United States District Court, 500 Pearl Street, New York, New York, on a day to be determined by the Court, for an order dismissing the complaint in this action, without leave to replead, pursuant to Rule 12(b)(6), Fed. R. Civ. P. This motion is based upon the pleadings and prior proceedings herein; the declaration of Daniel J. Brooks, dated December 17, 2007, and the exhibits thereto; and the notice to pro se litigant who opposes a Rule 12 motion supported by matters outside the pleadings, pursuant to Local Civil Rule 12.1, all filed herewith.

Opposing papers, if any, shall be served on or before January 21, 2008, in accordance with the order entered by the Court on November 20, 2007.

Dated: New York, New York  
December 17, 2007

SCHNADER HARRISON SEGAL & LEWIS LLP

By:   
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